

Exhibit 1



Corporate Creations Network Inc.
801 US Highway 1 North Palm Beach, FL 33408

DANONE WATERS OF AMERICA, LLC
Rebecca J Borowitz Paralegal-Employment, Litigation and Contracts
Danone North America
1 Maple Avenue
White Plains NY 10605

February 28, 2024

SERVICE OF PROCESS NOTICE

The following is a courtesy summary of the enclosed document(s). **ALL information should be verified by you.**

Item: 2024-43

Note: Any questions regarding the substance of the matter described below, including the status or how to respond, should be directed to the contact set forth in line 12 below or to the court or government agency where the matter is being heard. **IMPORTANT:** All changes or updates to the SOP contact individuals or their contact information must be submitted in writing to SOPcontact@corpcreations.com. Any changes will become effective upon written confirmation of Corporate Creations.

1.	Entity Served:	DANONE WATERS OF AMERICA, LLC
2.	Title of Action:	Michael Daly, individually and on behalf of all other similarly situated, vs. Danone Waters of America, LLC
3.	Document(s) Served:	Division of Corporations Cover Sheet Summons Class Action Complaint Jury Demand
4.	Court/Agency:	Cook County Circuit Court, Illinois
5.	State Served:	Delaware
6.	Case Number:	2024CH01053
7.	Case Type:	Illinois Consumer Fraud and Deceptive Business Practices Act
8.	Method of Service:	Hand Delivered
9.	Date Received:	Wednesday 02/28/2024
10.	Date to Client:	Wednesday 02/28/2024
11.	# Days When Answer Due: Answer Due Date:	30 Friday 03/29/2024 CAUTION: Client is solely responsible for verifying the accuracy of the estimated Answer Due Date. To avoid missing a crucial deadline, we recommend immediately confirming in writing with opposing counsel that the date of the service in their records matches the Date Received.
12.	Sop Sender: (Name, City, State, and Phone Number)	Steven Perry Northbrook, IL 224-218-0875
13.	Shipped To Client By:	Email Only with PDF Link
14.	Tracking Number:	
15.	Handled By:	081
16.	Notes:	Also Attached: * Appearance and Jury Demand * Chancery Division Civil Cover Sheet General Chancery Section

NOTE: This notice and the information above is provided for general informational purposes only and should not be considered a legal opinion. The client and their legal counsel are solely responsible for reviewing the service of process and verifying the accuracy of all information. At Corporate Creations, we take pride in developing systems that effectively manage risk so our clients feel comfortable with the reliability of our service. We always deliver service of process so our clients avoid the risk of a default judgment. As registered agent, our role is to receive and forward service of process. To decrease risk for our clients, it is not our role to determine the merits of whether service of process is valid and effective. It is the role of legal counsel to assess whether service of process is invalid or defective. Registered agent services are provided by Corporate Creations Network Inc.

Delaware.gov

Governor | General Assembly | Courts | Elected Officials | State Agencies

Department of State: Division of Corporations

[Allowable Characters](#)[HOME](#)

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

<u>File Number:</u>	7095504	<u>Incorporation Date /</u>	10/20/2022
		<u>Formation Date:</u>	(mm/dd/yyyy)
<u>Entity Name:</u>	DANONE WATERS OF AMERICA, LLC		
<u>Entity Kind:</u>	Limited Liability Company	<u>Entity Type:</u>	General
<u>Residency:</u>	Domestic	<u>State:</u>	DELAWARE

REGISTERED AGENT INFORMATION

<u>Name:</u>	CORPORATE CREATIONS NETWORK INC.		
<u>Address:</u>	1521 CONCORD PIKE SUITE 201		
<u>City:</u>	WILMINGTON	<u>County:</u>	New Castle
<u>State:</u>	DE	<u>Postal Code:</u>	19803
<u>Phone:</u>			

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like ☐ Status ☐ Status, Tax & History Information

For help on a particular field click on the Field Tag to take you to the help area.

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Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, 11

FILED
 2/21/2024 12:25 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2024CH01053
 Calendar, 11
 26496425

2120 - Served	2121 - Served	2620 - Sec. of State
2220 - Not Served	2221 - Not Served	2621 - Alias Sec of State
2320 - Served By Mail	2321 - Served By Mail	
2420 - Served By Publication	2421 - Served By Publication	
Summons - Alias Summons		(12/01/20) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Name all Parties

MICHAEL DALY,

Plaintiff(s)

v.

DANONE WATERS OF AMERICA LLC

Defendant(s)

c/o: the Corp. Creations Network Inc, Reg.
 Agent, 1521 Concord Pike, Suite 201,

Wilmington, DE 19803 Address of Defendant(s)

Case No. 2024CH01053

Please serve as follows (check one): ☐ Certified Mail ☒ Sheriff Service ☐ Alias

SUMMONS

To each Defendant:

You have been named a defendant in the complaint in this case, a copy of which is hereto attached. You are summoned and required to file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

THERE WILL BE A FEE TO FILE YOUR APPEARANCE.

To file your written appearance/answer **YOU DO NOT NEED TO COME TO THE COURTHOUSE.** You will need: a computer with internet access; an email address; a completed Appearance form that can be found at <http://www.illinoiscourts.gov/Forms/approved/procedures/appearance.asp>; and a credit card to pay any required fees.

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

Page 1 of 3

Date Served:

Time Served:

Server:

2/25/2024
2:40
BB 10515994

FILED DATE: 2/21/2024 12:25 PM 2024CH01053

Summons - Alias Summons

(12/01/20) CCG 0001 B

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp> or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit www.illinoislegalaid.org.

If you are unable to pay your court fees, you can apply for a fee waiver. For information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to www.illinoislegalaid.org. You can also ask your local circuit clerk's office for a fee waiver application.

Please call or email the appropriate clerk's office location (on Page 3 of this summons) to get your court hearing date AND for information whether your hearing will be held by video conference or by telephone. The Clerk's office is open Mon - Fri, 8:30 am - 4:30 pm, except for court holidays.

NOTE: Your appearance date is NOT a court date. It is the date that you have to file your completed appearance by. You may file your appearance form by e-filing unless you are exempted.

A court date will be set in the future and you will be notified by email (either to the email address that you used to register for e-filing, or that you provided to the clerk's office).

CONTACT THE CLERK'S OFFICE for information regarding COURT DATES by visiting our website: cookcountyclerkofcourt.org; download our mobile app from the AppStore or Google play, or contact the appropriate clerk's office location listed on Page 3.

To the officer: (Sheriff Service)

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than thirty (30) days after its date.

☒ Atty. No.: 63294

☐ Pro Se 99500

Name: Steven Perry, Law Offices of Todd Friedman

Atty. for (if applicable):

Michael Daly, Plaintiff

Address: 707 Skokie Blvd., Suite 600

City: Northbrook

State: IL Zip: 60062

Telephone: 224-218-0875

Primary Email: steven.perry@toddfllaw.com

Witness date _____

2/21/2024 12:25 PM IRIS Y. MARTINEZ

IRIS Y. MARTINEZ, Clerk of



☐ Service by Certified Mail: _____

☒ Date of Service: 2/28/2024
(To be inserted by officer on copy left with employer or other person)

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

GET YOUR COURT DATE BY CALLING IN OR BY EMAIL

CALL OR SEND AN EMAIL MESSAGE to the telephone number or court date email address below for the appropriate division, district or department to request your next court date. Email your case number, or, if you do not have your case number, email the Plaintiff or Defendant's name for civil case types, or the Defendant's name and birthdate for a criminal case.

CHANCERY DIVISION

Court date EMAIL: ChanCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5133

CIVIL DIVISION

Court date EMAIL: CivCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5116

COUNTY DIVISION

Court date EMAIL: CntyCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5710

**DOMESTIC RELATIONS/CHILD SUPPORT
DIVISION**

Court date EMAIL: DRCourtDate@cookcountycourt.com
OR
ChildSupCourtDate@cookcountycourt.com
Gen. Info: (312) 603-6300

DOMESTIC VIOLENCE

Court date EMAIL: DVCourtDate@cookcountycourt.com
Gen. Info: (312) 325-9500

LAW DIVISION

Court date EMAIL: LawCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5426

PROBATE DIVISION

Court date EMAIL: ProbCourtDate@cookcountycourt.com
Gen. Info: (312) 603-6441

ALL SUBURBAN CASE TYPES

DISTRICT 2 - SKOKIE

Court date EMAIL: D2CourtDate@cookcountycourt.com
Gen. Info: (847) 470-7250

DISTRICT 3 - ROLLING MEADOWS

Court date EMAIL: D3CourtDate@cookcountycourt.com
Gen. Info: (847) 818-3000

DISTRICT 4 - MAYWOOD

Court date EMAIL: D4CourtDate@cookcountycourt.com
Gen. Info: (708) 865-6040

DISTRICT 5 - BRIDGEVIEW

Court date EMAIL: D5CourtDate@cookcountycourt.com
Gen. Info: (708) 974-6500

DISTRICT 6 - MARKHAM

Court date EMAIL: D6CourtDate@cookcountycourt.com
Gen. Info: (708) 232-4551

Hearing Date: 6/20/2024 9:30 AM
Location: Court Room 2305
Judge: Mclean Meyerson, Pamela

12-Person Jury

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

FILED
2/20/2024 6:39 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2024CH01053
Calendar, 11
26485706

MICHAEL DALY, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

DANONE WATERS OF AMERICA, LLC

Defendant.

Case No. **2024CH01053**

**CLASS ACTION
COMPLAINT**

JURY DEMANDED

Now come the Plaintiff, MICHAEL DALY ("Plaintiff"), individually and on behalf of all others similarly situated, by and through their attorneys, and for their Class Action Complaint against the Defendant, DANONE WATERS OF AMERICA LLC, ("Defendant"), Plaintiff alleges and states as follows:

PRELIMINARY STATEMENT

1. This is an action for damages, injunctive relief, and any other available legal or equitable remedies, for violations of Illinois Consumer Fraud and Deceptive Businesses Practices Act ("ILCFA"), 815 ILCS 505/1 *et seq.*, common law fraud, and unjust enrichment, resulting from the illegal actions of Defendant, in intentionally labeling its Products as Natural Spring Water, when they contain microplastics. Plaintiff alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by their attorneys.

PARTIES

2. Plaintiff Michael Daly is an individual who resides in Evergreen Park, Illinois.

3. Defendant is a Delaware limited liability company, whose principal place of business is located in Denver, Colorado.

4. At all times relevant hereto, Defendant was engaged in the marketing and sale of bottled water.

FACTS COMMON TO ALL COUNTS

5. Defendant advertises, markets, sells, and distributes bottled water throughout Illinois and the United States.

6. During the Class Period Defendant sold Evian bottled water (the “Products”) labeled, marketed, and advertised as “Natural Spring Water” but which actually contained microplastics.

7. Microplastics are small sized plastic particles that originate from manufacturing and physical degradation of plastics. Microplastics encompass a variety of different molecules with different structures, shapes, sizes, and polymers.

8. Microplastics are not naturally occurring. Instead, microplastics are typically made from polypropylene, polyethylene, polystyrene, and other synthetic polymers.¹

9. Microplastics can leach into the water from the bottle, and consumers are exposed to additives, processing aid, and unreacted monomers.²

¹ Md. Iftakharul Muhib, Md. Khabir Uddin, Md. Mostafizur Rahman, and Guilherme Malafaia, “Occurrence of microplastics in tap and bottled water, and food packaging: A narrative review on current knowledge,” *Science of The Total Environment* (2022), <http://dx.doi.org/10.1016/j.scitotenv.2022.161274>.

² *Id*; Winkler, A., Santo, N., Ortenzi, M.A., Bolzoni, E., Bacchetta, R., Tremolada, P., 2019. Does mechanical stress cause microplastic release from plastic water bottles? *Water Res.* 166, 115082

10. In 2018 Orb Media commissioned a global study on synthetic microplastic contamination in bottled water.³ The study was performed at the Mason lab at State University of New York at Fredonia, Department of Geology & Environmental Sciences. The study tested 259 individual bottles from 27 different lots across 11 brands purchased from 19 locations in 9 countries. Ninety-three percent, (“93%”), of bottled water showed signs of microplastic contamination.

11. A study conducted in 2019 found the origin of bottled microplastics in drinking water due to mechanical stress.⁴ They proposed that the main mechanical reason for bottled water contamination originated from releasing microplastic particles from the bottleneck and plastic cap by frequent opening and closing.

12. Microplastic contamination in the Products is possible at various manufacturing levels and as a result of usage by reasonable consumers.⁵

13. Toxic effects of microplastics on the physiology and behavior of marine invertebrates have been extensively documented.⁶ Similar effects have also been observed in larger marine vertebrates such as fish. Furthermore, recent studies using mouse models have reported potential effects of Microplastics on mammalian gut microbiota, as well as cellular and metabolic

³ Orb Media, "Plus Plastic," Orb Media (2023), available at <https://orbmedia.org/plus-plastic>.

⁴ Winkler, A., Santo, N., Ortenzi, M.A., Bolzoni, E., Bacchetta, R., Tremolada, P., 2019. Does mechanical stress cause microplastic release from plastic water bottles? *Water Res.* 166, 115082.

⁵ See Md. Iftakharul Muhib, Md. Khabir Uddin, Md. Mostafizur Rahman, and Guilherme Malafaia, "Occurrence of microplastics in tap and bottled water, and food packaging: A narrative review on current knowledge," *Science of The Total Environment* (2022), <http://dx.doi.org/10.1016/j.scitotenv.2022.161274>.

⁶ Damià Barceló, Yolanda Picó, & Ahmed H. Alfathan, *Microplastics: Detection in human samples, cell line studies, and health impacts*, *Environmental Toxicology and Pharmacology* (2023), <https://doi.org/10.1016/j.etap.2023.104204>; Grote, K., Brüstle, F., Vlacil, A.K., 2023. Cellular and systemic effects of micro- and nanoplastics in mammals—what we know so far. *Materials* 16, 3123. <https://doi.org/10.3390/ma16083123>;

toxicity in the host.⁷ However, the pathophysiological consequences of acute and chronic exposure to microplastics in mammalian systems, particularly in humans, are not yet fully understood.⁸

14. After being absorbed, Microplastics have the potential to be transported through the circulatory system and subsequently accumulate in various organs, including the kidney, gut, and liver.⁹ Thus, the effects on several blood and the immune system cell lines have been widely reported for several Microplastics. Moreover, Microplastics exhibit a "Trojan Horse" effect by absorbing and transporting various environmental pollutants.¹⁰

15. Studies indicate that exposure to microplastics through ingestion can lead to gastrointestinal problems such as irritable bowel syndrome; endocrine disruption such as adverse effects on hormonal balance and reproductive function; and cardiovascular problems such as increase of oxidative stress and impaired regular heart function.¹¹

16. Microplastics contamination is a material concern to Plaintiff and other reasonable consumers.

17. Bottled water that is contaminated with microplastics is not natural.

18. The Food and Drug Administration ("FDA") has not officially defined the term "natural" and has not promulgated an official rule regarding the use of the term "natural."

⁷ Yong, C.Q.Y., Valiyaveetil, S., Tang, B.L., 2020. Toxicity of microplastics and nanoplastics in mammalian systems. *Int. J. Environ. Res. Public Health* 2020 Vol. 17, 1509. <https://doi.org/10.3390/IJERPH17051509>.

⁸ Damià Barceló, Yolanda Picó, & Ahmed H. Alfarhan, *Microplastics: Detection in human samples, cell line studies, and health impacts*, *Environmental Toxicology and Pharmacology* (2023), <https://doi.org/10.1016/j.etap.2023.104204>

⁹ *Id.*

¹⁰ *Id.*

¹¹ Ebuka Chizitere Emenike et al., *From Oceans to Dinner Plates: The Impact of Microplastics on Human Health*, Volume 9, issue 10, *Heliyon*, 2023, <https://www.sciencedirect.com/science/article/pii/S240584402307648X>

19. Furthermore, FDA has considered the term "natural" to mean that nothing artificial or synthetic (including all color additives regardless of source) has been included in, or has been added to, a food that would not normally be expected to be in that food.¹²

20. Microplastics are not expected to be in food or water.

21. Plaintiff, and reasonable consumers, do not expect "Natural" water products to contain microplastics.

22. The following picture includes an example of Defendant's fraudulent labeling:



¹² U.S. Food and Drug Administration, "Use of the Term 'Natural' on Food Labeling," FDA (2023), available at <https://www.fda.gov/food/food-labeling-nutrition/use-term-natural-food-labeling>.

23. Yet, when consumers drink Defendant's Products, they are consuming synthetic plastic particles.

24. On December 13, 2023, Plaintiff purchased one case of Products labeled, marketed, and sold as "Natural Spring Water", from a Pete's Fresh Market in Evergreen Park, IL.

25. Plaintiff's Products contained microplastics despite being labeled Natural Spring Water.

26. Persons, like Plaintiff herein, have an interest in purchasing products that do not contain false and misleading claims with regards to the contents of the Products.

27. By making false and misleading claims about the contents of its Products, Defendant impaired Plaintiff's ability to choose the type and quality of products he chose to buy.

28. Therefore, Plaintiff has been deprived of his legally protected interest to obtain true and accurate information about their consumer products as required by law.

29. As a result of Defendant's fraudulent labeling, Plaintiff and the Class have been misled into purchasing Products that did not provide them with the benefit of the bargain they paid money for, namely that the Products were Natural Spring Water.

30. As a result of Defendant's fraudulent labeling, Plaintiff and the Class paid a price premium for premium Products, but instead received non-premium Products.

31. Plaintiff and the Class purchased Defendant's Products because Defendant's advertising claimed that the Products were Natural Spring Water.

32. Due to Defendant's intentional, deceitful practice of falsely labeling the Products as Natural Spring Water, Plaintiff could not have known that the Products contained microplastics.

33. Plaintiff was unaware that the Products contained microplastics when he purchased them.

34. Worse than the lost money, Plaintiff, the Class, and Sub-Class were deprived of their protected interest to choose the type and quality of products they ingest.

35. Defendant, and not Plaintiffs, the Class, or Sub-Class, knew or should have known that labeling, marketing, and selling the Products as Natural Spring Water was false, deceptive, and misleading, and that Plaintiff, the Class, and Sub-Class members would not be able to tell the Products they purchased contained microplastics unless Defendant expressly told them.

36. Defendant knew that the Products contained microplastics but chose to label the Products with Natural Spring Water labeling anyway to induce consumers to purchase the Products.

37. Furthermore, copious research has shown the deleterious effects of plastic bottles on both the environment and human health, yet Defendant continues to bottle its water in plastic and continues to label the Products as Natural.¹³

38. As a result of Defendant's acts and omissions outlined above, Plaintiffs have suffered concrete and particularized injuries and harm, which include, but are not limited to, the following:

- a. Lost money;
- b. Wasting Plaintiffs' time; and
- c. Stress, aggravation, frustration, loss of trust, loss of serenity, and loss of confidence in product labeling.

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¹³ ABC7 News, "Nanoplastics found in bottled water and the bloodstream, study says," ABC7 News (2023), available at <https://abc7news.com/nanoplastics-bottled-water-bloodstream-plastic/14302293/>.

CLASS ALLEGATIONS

39. Plaintiff brings this action on behalf of himself and all others similarly situated, as a member of the proposed class (the “Class”), defined as follows:

All persons within the United States who purchased the Products within five years prior to the filing of the Complaint through the date of class certification.

40. Plaintiff also brings this action on behalf of himself and all others similarly situated, as a member of the proposed sub-class (the “Sub-Class”), defined as follows

All persons within the State of Illinois who purchased the Products within five years prior to the filing of the Complaint through the date of class certification.

41. The Class and the Sub-Class satisfy all of the requirements of the Illinois Code of Civil Procedure for maintaining a class action, specifically:

- a. Upon information and belief, the Class and the Sub-Class are so numerous that joinder of all members is impracticable. On information and belief there are hundreds, if not thousands of individuals in the United States and the State of Illinois who purchased the products within the applicable statute of limitations period.
- b. There are questions of fact and/or law which are common to the Class and the Sub-Class, and which predominate over questions affecting any individual Class or Sub-Class members. These common questions of fact and law include, but are not limited to:
 - i. Whether Defendant disseminated false and misleading information by claiming the Products are “Natural Spring Water”;

- ii. Whether the Class and Sub-Class members were informed that the Products contained microplastics;
 - iii. Whether the Products contained microplastics;
 - iv. Whether Defendant's conduct was unfair and deceptive;
 - v. Whether Defendant unjustly enriched itself as a result of the unlawful conduct alleged above;
 - vii. Whether there should be a tolling of the statute of limitations; and
 - viii. Whether the Class and Sub-Class members are entitled to restitution, actual damages, punitive damages, and attorneys' fees and costs.
- c. Plaintiff's claims are typical of the Class and the Sub-Class, which all arise from the same operative set of facts and are based on the same legal theories
 - d. Plaintiff have no interests adverse or antagonistic to the interests of the other members of the Class and the Sub-Class.
 - e. Plaintiffs will fairly and adequately protect the interests of the Class and the Sub-Class and Plaintiffs have retained experienced and competent attorneys to represent the Class and the Sub-Class.
 - f. This class action is a fair and efficient adjudication of the controversy alleged herein. Plaintiffs anticipate that no unusual difficulties are likely to be encountered in the management of this class action.
 - g. This class action will permit large numbers of similarly situated persons to prosecute their common claims in a single forum simultaneously and without the duplication of effort and expense that numerous individual actions would engender. This class action will also permit the adjudication

of relatively small claims by many Class and Sub-Class members who would not otherwise be able to afford to seek legal redress for the wrongs complained of herein. Absent a class action, Class and Sub-Class members will continue to suffer losses of legally protected rights, as well as monetary damages. If Defendants' conduct is allowed proceed to without remedy, Defendants will continue to benefit financially from such conduct.

- h. Defendants have acted on grounds generally applicable to the entire Class and Sub-Class, thereby making it appropriate for the Court to order final monetary, injunctive, and declaratory relief with respect to the Class and the Sub-Class as a whole.

42. Defendant, its employees and agents are excluded from the Class and Sub-Class. Plaintiff does not know the number of members in the Class and Sub-Class, but believes the members number in the thousands, if not more. Thus, this matter should be certified as a Class Action to assist in the expeditious litigation of the matter.

43. The size and definition of the Class and Sub-Class can be identified by Defendant's own records, and the records of retailers of Defendant's Products.

COUNT I
VIOLATIONS OF THE ILLINOIS CONSUMER FRAUD AND
DECEPTIVE BUSINESS PRACTICES ACT, 815 ILCS 505/1, et seq.

44. Plaintiffs incorporate all of the allegations and statements made in Paragraphs 1 through 43 above as if fully reiterated herein.

45. Plaintiffs are both a "person" as defined in 815 ILCS 505/1(c), as they are both natural persons.

46. Defendant is a “person” as defined in 815 ILCS 505/1(c), as it is a company and a business entity and/or association.

47. 815 ILCS 505/2 states:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact, or the use or employment of any practice described in Section 2 of the “Uniform Deceptive Trade Practices Act”, approved August 5, 1965, in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby.

48. Through its representation of the Products as Natural Spring Water, Defendant made false promises, misrepresentations, concealments, suppressions, and omissions of material facts, with the intent that Plaintiffs rely upon said false promises, misrepresentations, concealments, suppressions, and omissions of material facts.

49. 815 ILCS 505/10a states:

(a) Any person who suffers actual damage as a result of a violation of this Act committed by any other person may bring an action against such person. The court, in its discretion may award actual economic damages or any other relief which the court deems proper...

(c) [T]he Court may grant injunctive relief where appropriate and may award, in addition to the relief provided in this Section, reasonable attorney’s fees and costs to the prevailing party.

50. In taking the actions and omissions set forth above, and making the false promises, misrepresentations, concealments, suppressions, and omissions of material facts set forth above, Defendant violated the Illinois Consumer Fraud and Deceptive Business Practices Act, including, but not limited to, 815 ILCS 505/2.

51. Defendant failed to comply with the requirements of the ILCFA, including, but not

limited to, 815 ILCS 505/2 as to the Class and Sub-Class members with respect to the above-alleged transactions

52. By reason thereof, Plaintiffs are entitled to a judgment against Defendant, declaring that Defendant's conduct violated 815 ILCS 505/2, enjoining Defendant from engaging in similar conduct in the future, and awarding actual damages, punitive damages, injunctive relief, costs, and attorneys' fees.

PRAYER FOR RELIEF

Wherefore, Plaintiffs pray for a judgment against Defendant as follows:

- a. An order certifying the Class and the Sub-Class and appointing Plaintiff as Representative of the Class and the Sub-Class;
- b. An order certifying the undersigned counsel as the Class and Sub-Class Counsel;
- c. An order requiring Defendant, at its own cost, to notify all members of the Class and the Sub-Class of the unlawful, unfair, deceptive, and unconscionable conduct herein;
- d. Judgment against Defendant in an amount to be determined at trial;
- e. An order for injunctive relief prohibiting such conduct by Defendant in the future;
- f. Judgment against Defendant for Plaintiffs' attorneys' fees, court costs, and other litigation costs; and
- g. Any other relief deemed just and proper by this Court.

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COUNT II
COMMON LAW FRAUD

53. Plaintiff incorporates all of the allegations and statements made in Paragraphs 1 through 43 above as if fully reiterated herein.

54. Through its false statements that the Products contained “Natural Spring Water”, Defendant made false statements of material fact.

55. At the time Defendant made its statements to Plaintiffs that the Products contained “Natural Spring Water”, it knew, or reasonably should have known, that the statements described above were false.

56. At the time Defendant made the statements to Plaintiff, Defendant intended to induce Plaintiff to purchase the Products.

57. Plaintiff relied upon the truth of the statements described above and purchased the Products, only to find that the Products he purchased contained microplastics.

58. As a result of their reasonable reliance upon Defendant’s false statements of material fact as set forth above, Plaintiffs and other members of the Class and Sub-Class have suffered concrete and particularized injuries, harm, and damages which include, but are not limited to, the loss of money spent on products that did not provide them with the benefit of the bargain they paid money for, and stress, aggravation, frustration, inconvenience, emotional distress, mental anguish, and similar categories of damages.

PRAYER FOR RELIEF

Wherefore, Plaintiffs pray for a judgment against Defendant as follows:

- a. An order certifying the Class and the Sub-Class and appointing Plaintiffs as Representative of the Class and the Sub-Class;

- b. An order certifying the undersigned counsel as the Class and Sub-Class Counsel;
- c. An order requiring Defendant, at its own cost, to notify all members of the Class and the Sub-Class of the unlawful, unfair, deceptive, and unconscionable conduct herein;
- d. Judgment against Defendant in an amount to be determined at trial;
- e. An order for injunctive relief prohibiting such conduct by Defendant in the future;
- f. Judgment against Defendant for Plaintiffs' attorneys' fees, court costs, and other litigation costs; and
- g. Any other relief deemed just and proper by this Court.

COUNT III
UNJUST ENRICHMENT

59. Plaintiffs incorporate all of the allegations and statements made in Paragraphs 1 through 43 above as if fully reiterated herein.

60. Plaintiff conferred monetary benefits to Defendant by purchasing the Products.

61. Defendant has been unjustly enriched by retaining the revenues derived from Plaintiff's purchase of the Products based on the false statements that the Products contained "Natural Spring Water".

62. Defendant's retention of the revenue it received from Plaintiff, and the Class and Sub-Class members, is unjust and inequitable because Defendant's false statements caused injuries to Plaintiffs, and the Class and Sub-Class members, as they would not have purchased the Products, or would not have paid a premium price, if they knew the Products contained

microplastics.

63. Defendant's unjust retention of the benefits conferred on it by Plaintiffs, and the Class and Sub-Class members, entitles Plaintiffs, and the Class and Sub-Class members, to restitution of the money they paid to Defendant for the Products.

PRAYER FOR RELIEF

Wherefore, Plaintiffs pray for a judgment against Defendant as follows:

- h. An order certifying the Class and the Sub-Class and appointing Plaintiff as Representative of the Class and the Sub-Class;
- i. An order certifying the undersigned counsel as the Class and Sub-Class Counsel;
- j. An order requiring Defendant, at its own cost, to notify all members of the Class and the Sub-Class of the unlawful, unfair, deceptive, and unconscionable conduct herein;
- k. Judgment against Defendant in an amount to be determined at trial;
- l. An order for injunctive relief prohibiting such conduct by Defendant in the future;
- m. Judgment against Defendant for Plaintiff's attorneys' fees, court costs, and other litigation costs; and
- n. Any other relief deemed just and proper by this Court.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues in this action so triable, except for any issues relating to the amount of attorneys' fees and costs to be awarded should Plaintiff prevails on any of their claims in this action.

RESPECTFULLY SUBMITTED,

MICHAEL DALY



Attorney for Plaintiffs
Illinois Attorney No. 6276496
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Phone: (323) 306-4234
Fax: (866) 633-0228
tfriedman@toddfllaw.com



Steve G. Perry
Attorney for Plaintiffs
Illinois Attorney No. 6330283
Cook County Attorney No.: 63294
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707 Skokie Blvd., Suite 600
Northbrook, IL 60062
Phone: (224) 218-0875
Fax: (866) 633-0228
Steven.perry@toddfllaw.com

1910 - No Fee Paid

1919 - Fee Paid

Jury Demand

(Rev. 12/01/20) CCG 0067

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY _____ DEPARTMENT/ 1ST _____ DISTRICT

MICHAEL DALY,

v.

DANONE WATERS OF AMERICA, LLC,

No. _____

JURY DEMAND

The undersigned demands a jury trial.



(Signature)

☐ Atty. No.: 63294

Name: Steven G. Perry

Atty. for: Plaintiff, Michael Daly

Address: 707 Skokie Blvd., Suite 600

City/State/Zip: Northbrook, IL 60062

Telephone: 224-218-0875

Primary Email: steven.perry@toddlaw.com

Dated: February 20, 2024

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION

MICHAEL DALY)
individually and on behalf of all others similarly)
situated,)
)
Plaintiffs,) No. 2024CH01053
)
v.)
)
DANONE WATERS OF AMERICA LLC,)
)
Defendant.)

PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

Now comes the Plaintiff, Michael Daly, by and through his attorneys, and brings this Motion for Class Certification against Defendant, Danone Water of America, LLC, individually and on behalf of a class and sub-class of all others similarly situated. In support thereof, Plaintiff alleges and states as follows:

1. On December 13, 2023, Plaintiff Michael Daly purchased one case of Products labeled, marketed, and sold as "Natural Spring Water".

2. When Plaintiff purchased the product he believed that the product would contain Natural Water. However, the Products contained microplastics. A more thorough explanation of the facts may be found in Plaintiff's Complaint.

3. As a result of Defendant's acts and omissions outlined above, Plaintiff have suffered concrete and particularized injuries, harm, and damages, which include, but are not limited to, the following:

- a. Lost money;
- b. Wasting Plaintiffs' time; and

- c. Stress, aggravation, frustration, inconvenience, loss of trust, loss of serenity, and loss of confidence in product labeling.

4. Plaintiffs bring claims, pursuant to 735 ILCS 5/2-801, *et seq.*, individually and on behalf of the following class (the “Class”): All persons within the United States who purchased the Products within five years prior to the filing of the Complaint through the date of class certification.

5. Plaintiffs also bring claims, pursuant to 735 ILCS 5/2-801, *et seq.*, individually and on behalf of the following sub-class (hereinafter the “Sub-Class”): All persons within the State of Illinois who purchased the Products within five years prior to the filing of the Complaint through the date of class certification.

6. Illinois Rule of Civil Procedure section 5/2-801 states that an action may be maintained as a class action in any court of this state if the court finds that:

- (1) The class is so numerous that joinder of all members is impracticable.
- (2) There are questions of fact or law common to the class, which common questions predominate over any questions affecting only individual members.
- (3) The representative parties will fairly and adequately protect the interest of the class.
- (4) The class action is an appropriate method for the fair and efficient adjudication of the controversy.

735 ILCS 5/2-801.

7. The Class and the Sub-Class satisfy all of the requirements of the Illinois Code of Civil Procedure for maintaining a class action, specifically:

- a. Upon information and belief, the Class and the Sub-Class are so numerous that joinder of all members is impracticable. On information and belief there are hundreds, if not thousands of individuals in the United States and the State of Illinois who purchased the products within the applicable statute of limitations period.
- b. There are questions of fact and/or law which are common to the Class and the Sub-Class, and which predominate over questions affecting any individual Class or Sub-Class members. These common questions of fact and law include, but are not limited to:
 - i. Whether Defendant disseminated false and misleading information by claiming the Products are “Natural Spring Water”;
 - ii. Whether the Class and Sub-Class members were informed that the Products contained microplastics;
 - iii. Whether the Products contains microplastics;
 - iv. Whether Defendant’s conduct was unfair and deceptive;
 - v. Whether Defendant unjustly enriched itself as a result of the unlawful conduct alleged above;
 - vii. Whether there should be a tolling of the statute of limitations; and
 - viii. Whether the Class and Sub-Class members are entitled to restitution, actual damages, punitive damages, and attorneys’ fees and costs.

- c. Plaintiffs' claims are typical of the Class and the Sub-Class, which all arise from the same operative set of facts and are based on the same legal theories
- d. Plaintiffs have no interests adverse or antagonistic to the interests of the other members of the Class and the Sub-Class.
- e. Plaintiffs will fairly and adequately protect the interests of the Class and the Sub-Class and Plaintiffs have retained experienced and competent attorneys to represent the Class and the Sub-Class.
- f. This class action is a fair and efficient adjudication of the controversy alleged herein. Plaintiffs anticipate that no unusual difficulties are likely to be encountered in the management of this class action.
- g. This class action will permit large numbers of similarly situated persons to prosecute their common claims in a single forum simultaneously and without the duplication of effort and expense that numerous individual actions would engender. This class action will also permit the adjudication of relatively small claims by many Class and Sub-Class members who would not otherwise be able to afford to seek legal redress for the wrongs complained of herein. Absent a class action, Class and Sub-Class members will continue to suffer losses of legally protected rights, as well as monetary damages. If Defendant's conduct is allowed proceed to without remedy, Defendant will continue to benefit financially from such conduct.
- h. Defendant has acted on grounds generally applicable to the entire Class and Sub-Class, thereby making it appropriate for the Court to order final

monetary, injunctive, and declaratory relief with respect to the Class and the Sub-Class as a whole.

5. Plaintiff believes that upon completion of discovery in this matter, Plaintiff will be able to prove each of the allegations to the satisfaction of this Court. Therefore, Plaintiff requests the Court defer any ruling on this motion until after discovery has closed and Plaintiff has filed an amended or supplemental motion for class certification.

WHEREFORE, Plaintiffs respectfully request this Honorable Court enter an order certifying the proposed class and sub-class, but defer any ruling on this Motion until after discovery has been completed and Plaintiff has filed an amended or supplemental motion for class certification.

RESPECTFULLY SUBMITTED,

MICHAEL DALY



Steve G. Perry
Attorney for Plaintiff
Illinois Attorney No. 6330283
Cook County Attorney No. 63294
Law Offices of Todd M. Friedman, P.C.
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Northbrook, Illinois 60062
Phone: (224) 218-0875
Fax: (866) 633-0228
Steven.perry@toddfllaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Plaintiffs' Motion for Class Certification was served upon the following party, alongside the summons and complaint, by submitting it to the process server and, by depositing the same in the U.S. Mail on February 21, 2024, with proper first-class postage prepaid thereon:

DANONE WATERS OF AMERICA, LLC
c/o Corporate Creations Network Inc. (Registered Agent)
1521 Concord Pike Suite 201,
Wilmington, DE, 19803

A handwritten signature in black ink, appearing to read 'Steven G. Perry', written over a horizontal line.

Steven G. Perry
Attorney for Plaintiffs

Appearance and Jury Demand *

(12/01/20) CCG 0009

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOISCOUNTY _____ DEPARTMENT/ 1ST DISTRICT

MICHAEL DALY,

Plaintiff

v.

DANONE WATERS OF AMERICA, LLC

Defendant

Case No. _____

Claimed \$: _____

Return Date: _____ Time: _____

Court Date: _____ Room No.: _____

Address of Court District for Filing _____

APPEARANCE AND JURY DEMAND *

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> General Appearance | <input checked="" type="checkbox"/> 0900 - Fee Paid | <input type="checkbox"/> 0904 - Fee Waived |
| <input checked="" type="checkbox"/> Jury Demand * | <input type="checkbox"/> 0908 - Trial Lawyers Appearance - No Fee | <input type="checkbox"/> Twelve-person Jury |
| | <input type="checkbox"/> 1900 - Appearance and Jury Demand/Fee Paid | <input type="checkbox"/> Six-person Jury |
| | <input type="checkbox"/> 1904 - Appearance and Jury Demand/No Fee Paid | |

The undersigned enters the appearance of: ☒ Plaintiff ☐ DefendantLitigant's Name: Michael Daly

Signature: /s/ _____

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Initial Counsel of Record | <input type="checkbox"/> Pro Se (Self-represented) | <input type="checkbox"/> 2810 Rule 707 Out-of-State Counsel
(pro hac vice) |
| <input type="checkbox"/> Additional Appearance | <input type="checkbox"/> Substitute Appearance | |

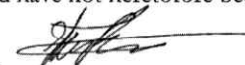
☒ Atty. No.: 63294 ☐ Pro Se 99500Name: Steven G. Perry

Atty. for (if applicable):

Plaintiff, Michael Daly

Address: 707 Skokie Blvd., Suite 600City: NorthbrookState: IL Zip: 60062 Phone: (224) 218-0875Primary Email: steven.perry@toddflaw.com*** Strike demand for trial by jury if not applicable.**

I certify that a copy of the within instrument was served on all parties who have appeared and have not heretofore been found by the Court to be in default for failure to plead.

/s/ 
Attorney for ☒ Plaintiff ☐ Defendant**Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois****cookcountyclerkofcourt.org****IMPORTANT***Once this Appearance form is filed, photocopies of this form must be sent to all other parties named in this case (or to their attorneys) using either regular mail, fax, email or personal delivery. (See Illinois Supreme Court Rules 11 and 13 for more information.)*

FEB 28 2024

FILED DATE: 2/20/2024 6:39 PM 2024CH01053

Chancery Division Civil Cover Sheet
General Chancery Section

(12/01/20) CCCH 0623

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

MICHAEL DALY,

Plaintiff

v.

DANONE WATERS OF AMERICA LLC,

Defendant

Case No: _____

CHANCERY DIVISION CIVIL COVER SHEET
GENERAL CHANCERY SECTION

A Chancery Division Civil Cover Sheet - General Chancery Section shall be filed with the initial complaint in all actions filed in the General Chancery Section of Chancery Division. The information contained herein is for administrative purposes only. Please check the box in front of the appropriate category which best characterizes your action being filed.

Only one (1) case type may be checked with this cover sheet.

0005 ☐ Administrative Review
0001 ☒ Class Action
0002 ☐ Declaratory Judgment
0004 ☐ Injunction

0007 ☐ General Chancery
0010 ☐ Accounting
0011 ☐ Arbitration
0012 ☐ Certiorari
0013 ☐ Dissolution of Corporation
0014 ☐ Dissolution of Partnership
0015 ☐ Equitable Lien
0016 ☐ Interpleader

0017 ☐ Mandamus
0018 ☐ Ne Exeat
0019 ☐ Partition
0020 ☐ Quiet Title
0021 ☐ Quo Warranto
0022 ☐ Redemption Rights
0023 ☐ Reformation of a Contract
0024 ☐ Rescission of a Contract
0025 ☐ Specific Performance
0026 ☐ Trust Construction
0050 ☐ Internet Take Down Action (Compromising Images)
☐ Other (specify) _____

☒ Atty. No.: 63294 ☐ Pro Se 99500

Atty Name: Steven Perry, Law Offices of Todd M. Friedman, PC

Atty. for: Michael Daly, Plaintiff

Address: 707 Skokie Blvd., Suite 600

City: Northbrook State: IL

Zip: 60062

Telephone: 224-218-0875

Primary Email: steven.perry@toddfllaw.com

Pro Se Only: ☐ I have read and agree to the terms of the Clerk's Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice from the Clerk's office for this case at this email address:

Email: _____

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org